IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3647 OF 2004

Mrs Deepa Akshay Gagneja, .. Applicant

Vs

State of Maharashtra, .. Respondent

Mr Y.T.John, counsel with Mr Ajay Panickar for the applicant.

Mr V.B.Konde-Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 30th AUGUST, 2004.

PC:

1. Heard Mr.John, learned counsel for the applicant and Mr.Konde-Deshmukh, learned A.P.P for the respondent.

2. This application under section 438 of Cr.P.C is filed in C.R.No.32 of 2003 registered at Khar Police Khar Police Station under sections 465, 467,468,171,420 read with 34 of Indian Penal Code. It is the prosecution case that the applicant had withdrawn Rs.27,000/- from Vaisya Bank from the account of Mrs Minakshi Bhatia by forging her signature.It appears that the applicant had filed an application seeking anticipatory bail bearing No.153 of 2003. That application was rejected by the Sessions Court by order dated 7.2.2003. There does not seem to be any dispute

that after rejection of her bail application by the Sessions Court on 7.2.2003, she reported the concerned police station and co-operated with the investigation.. She was being interrogated by the police. The police did not arrest her. I am informed that the handwriting of the applicant was also obtained by the police and it was forwarded to the handwriting expert. The report of the handwriting expert does not support the prosecution case. In view of this, Mr Konde-Deshmukh, learned APP states that they need custody of the applicant to find out as to whose handwriting was on the questioned document including the cheque. Keeping in view the admitted facts as stated above and considering the nature of the allegations against the applicant and that despite several opportunities the police did not choose to arrest her, in my opinion, custody of the applicant would not be necessary. In the circumstances, I am inclined to grant this application.

3. The applicant is directed to be enlarged on bail, in the event of her arrest in C.R.No.32 of 2003 registered at Khar Police Station, on her furnishing a personal bond of Rs.25,000/- with one or two sureties of the like amount to the satisfaction of the Station Officer of the said Police Station subject to the condition that she shall report the concerned police station every alternate day between 10 am and 1 pm for a period of 15

days and thereafter every Saturday between 10 am and 12 noon until filing of the chargesheet.

. The application is disposed of.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall deal with the case uninfluenced by the observations made in this order.

. Parties to act on an authenticated copy of this order which may be made available to them.

(D.B.BHOSALE, J.)